So Ordered.

Dated: April 3, 2024

Rachel M. Blise
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In re:

Michelle S. Buechel,

Debtor.

Case No. 23-25598-rmb

Chapter 7

ORDER SETTING HEARING ON DEBTOR'S MOTION TO REOPEN

The debtor filed a voluntary chapter 7 petition on December 5, 2023. She received a chapter 7 discharge on March 13, 2024, and the case was closed the same day. On March 14, 2024, the debtor filed a motion to reopen the bankruptcy case for the purpose of filing an adversary complaint to determine the dischargeability of certain debts under 11 U.S.C. § 523(a)(8).

The Bankruptcy Code provides that a bankruptcy case may be reopened "to administer assets, to accord relief to the debtor, or for other cause." 11 U.S.C. § 350(b). There are no assets to administer, and the debtor does not seek relief, at least not in the main bankruptcy case. It is unclear what other cause may exist to reopen the main case. Several courts have held that it is not necessary for the main case to be reopened for a debtor or a creditor to file an adversary complaint seeking a determination as to the dischargeability of a debt. *See, e.g.*, *Staffer v. Predovich (In re Staffer)*, 306 F.3d 967 (9th Cir. 2002); *Goldstein v. Diamond (In re Diamond)*, 509 B.R. 219 (B.A.P. 8th Cir. 2014).

Accordingly, IT IS HEREBY ORDERED that the Court will hold a hearing on the debtor's motion to reopen on **April 17, 2024** at 9:30 a.m. Parties may appear in person for this hearing at the United States Courthouse, 517 East Wisconsin, Room 321, Milwaukee, Wisconsin, or they may participate by telephone. To appear by telephone, call the Court conference line at 1-888-808-6929, and enter access code 5457889 before the scheduled hearing time.

IT IS FURTHER ORDERED that on or before **April 15, 2024**, the debtor may, but is not required to, file a letter brief with authority for her position that the main bankruptcy case should be reopened.

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